

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ALVERENE D. BUTLER,

Plaintiff,

v.

ALABAMA DEPARTMENT OF
TRANSPORTATION, *et al.*,
Defendants.

CASE NO. 2:06-cv-00278-MEF-CSC

STATE OF ALABAMA

COUNTY OF MONTGOMERY

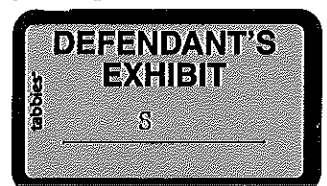
AFFIDAVIT OF STEVE DUKES

Before me, the undersigned Notary Public in and for the State of Alabama at large, this day personally appeared Steve Dukes, who being known to me and being by me first duly sworn, deposes and says on oath as follows:

"1. My name is Steve Dukes. I am over the age of nineteen years and have personal knowledge of the facts set forth in this affidavit.

2. As a State Personnel Analyst III, I am currently assigned to the Transportation Team. The Transportation Team among other things manages the development of Employment Registers and the issuance and return of Certificate of Eligibles (lists of eligible candidates from which the Alabama Department of Transportation may select candidates for employment and promotion).

3. Attached hereto as Exhibit A is a true and correct copy of an application history for Alverene D. Butler (from January 1, 1983 to October 31, 2006). This application history is kept



as an official record of the State Personnel Department and is kept in the ordinary course of business.

4. The class codes on Exhibit A indicate a particular job classification for which an applicant has applied. The action code number indicates what action was taken with respect to the specific application.

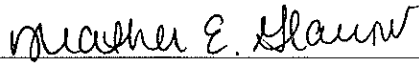
5. There are four class codes and four action codes listed on Ms. Butler's application history which are associated with the Alabama Department of Transportation. Class code 20116 Engineering Assistant with an action code number of 09 indicates that Ms. Butler's application was removed from the process based on the fact that she was given permanent status in the job class of 20116 by court order and there was no reason for her to take the examination. Class code 20480 indicates an application for the position of Civil Engineer—Construction Option (which was renamed Transportation Technologist—Construction Option). The action code number 10 associated with this application indicates that Ms. Butler failed to schedule and/or appear for the examination. Class code 20481 indicates an application for a Transportation Technologist—Bridge Design Option. The action code 05 associated with this Transportation Technologist job class indicates that Ms. Butler did not meet the minimum qualifications required to sit for the examination for this job classification. Class code number 20481 is a Transportation Technologist—Analysis and Planning Option application. Again, action code number 10 associated with this application indicates that Ms. Butler failed to schedule and/or appear for the examination and therefore did not take the examination for that Transportation Technologist job class.

6. The application history for Alverene D. Butler (from January 1, 1983 to October 31, 2006) indicates that either through failure to take an examination or failure to meet the minimum

qualifications, Ms. Butler has never taken a State Personnel Merit System Examination for the classes in question and as such has never been placed on an employment register. Because Ms. Butler has never been on a merit system employment register she could not have been certified as eligible for the positions of Civil Engineer or Transportation Technologist at ALDOT and therefore, it was impossible for ALDOT to promote Ms. Butler from her Engineering Assistant position to that of Civil Engineer or Transportation Technologist (formerly Civil Engineer).”


Steve Dukes

SWORN TO AND SUBSCRIBED before me on this 18th day of January, 2007.


Notary Public, State at Large

My Commission Expires: 8/2/09

STATE of ALABAMA
PERSONNEL DEPARTMENT
APPLICATION HISTORY FOR A SSAN
January 1, 1983 through October 31, 2006

SSAN: 418828446 **NAME:** ALVERENE D BUTLER

CLASS CODE	OPTION CODE	RACE	SEX	VP CODE	FINAL SCORE O/C	FINAL RANK O/C	FINAL SCORE PROM	FINAL RANK PROM	DATE ENTERED	ACTION CODE	ACTION DATE
10198	500	2	2	N					03/11/1997	10	06/07/1997
20116	000	2	2	N					03/19/1999	09	03/31/1999
20480	438	2	2	N					07/03/2003	10	09/03/2003
20481	005	2	2	N					06/20/2003	05	06/27/2003
20481	439	2	2	N					07/02/2003	10	09/23/2003
20651	000	2	2	N	70.00				02/08/1994	30	02/24/1994
20911	000	2	2	N					02/08/1994	05	03/16/1994
40100	000	2	2	N	70.00				11/10/1993	30	12/08/1993
40110	000	2	2	N	70.00				05/10/1994	30	06/02/1994
50420	000	2	2	N					02/25/1994	05	09/23/1994